

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 JOSE AGUILAR MARTINEZ, ) 1:05-CV-0627 OWW WMW HC  
12 Petitioner, ) ORDER DENYING MOTION FOR  
13 v. ) APPOINTMENT OF COUNSEL  
14 JOHN ASHCROFT, ) (DOCUMENT #2)  
15 Respondent. )  
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17 Petitioner has requested the appointment of counsel. There currently exists no absolute  
18 right to appointment of counsel in habeas proceedings. See e.g., Anderson v. Heinze, 258 F.2d  
19 479, 481 (9th Cir.), cert. denied, 358 U.S. 889 (1958); Mitchell v. Wyrick, 727 F.2d 773 (8th Cir.),  
20 cert. denied, 469 U.S. 823 (1984). However, Title 18 U.S.C. § 3006A authorizes the appointment  
21 of counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Rules  
22 Governing Section 2254 Cases. In the present case, the court does not find that the interests of  
23 justice would be served by the appointment of counsel at the present time. Accordingly, IT IS  
24 HEREBY ORDERED that petitioner's request for appointment of counsel is denied.

25 IT IS SO ORDERED.

26 Dated: June 14, 2005  
27 b10dc4

/s/ William M. Wunderlich  
28 UNITED STATES MAGISTRATE JUDGE